

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GARY LADALE CRISTON,

Plaintiff,

v.

CORPORAL BRETT UPSHAW,

Defendant.

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CIVIL ACTION NO. 6:17-CV-00364-RC

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Gary Criston initiated this civil action on June 16, 2017. (Docket No. 1.) The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation recommending that the case be dismissed without prejudice for failure to obey a court order and failure to prosecute. (Docket No. 10.) Thereafter, Plaintiff received a copy of the Magistrate Judge's Report and Recommendation on February 4, 2019. (Docket No. 11.) The Report and Recommendation informed Plaintiff of his rights to object to the Report and Recommendation within 14 days, and further informed him that a failure to timely object shall bar "*de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court." (Docket No. 10, at 2 (citing *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996)).) Since the service of the Report and Recommendation on February 4, 2019, Plaintiff has not filed objections and the prescribed time period for doing so has passed.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

So **ORDERED** and **SIGNED** March 11, 2019.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge